

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

FILED/ACCEPTED

DEC - 4 2007

Federal Communications Commission
Office of the Secretary

In the Matter of)	EB Docket No. 07-197
)	
Kurtis J. Kintzel, Keanan Kintzel, and all)	File No. EB-06-IH-5037
Entities by which they do business before the)	
Federal Communications Commission)	FRN: 0007179054
)	
Resellers of Telecommunications Services)	NAL/Acct. No. 200732080029

To: Richard L. Sippel
 Chief Administrative Law Judge

**ENFORCEMENT BUREAU'S MOTION FOR RULING ON
 OBJECTIONS BY KURTIS J. KINTZEL AND KEANAN KINTZEL TO
 REQUESTS FOR ADMISSION OF FACTS AND GENUINENESS OF DOCUMENTS**

1. On October 31, 2007, the Bureau served a Request for Admission of Facts and Genuineness of Documents on Kurtis J. Kintzel and a similar such request on Keanan Kintzel. On November 14, 2007, Kurtis J. Kintzel and Keanan Kintzel (the "Kintzel Brothers") responded to their respective requests in an identical manner by objecting to each and every item therein.¹ The Bureau diligently sought a resolution of this issue through negotiation with counsel for the Kintzel Brothers to no avail. Therefore, pursuant to Section 1.246(d) of the Commission's rules² and the authority granted by the Presiding Judge at the prehearing conference in this proceeding,³ the Bureau hereby respectfully requests the Presiding Judge to issue an order denying the

¹ Copies of the Bureau's requests and the Kintzel Brothers' responses are attached hereto as Exhibits 1 through 4.

² 47 C.F.R. § 1.246(d).

³ Transcript of Proceedings, November 15, 2007, at 36-37.

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objections interposed by the Kintzel Brothers and requiring them to admit or deny each item in the respective requests served upon them. In support whereof, the following is shown.

2. As to each and every admission to which the Kintzel Brothers were requested to admit or deny, each responded in identical fashion: "Objection; the question is improper because directed to [Kurtis J. Kintzel or Keanan Kintzel] individually, although the Order to Show Cause does not allege any facts that would justify piercing the corporate veil under existing law, or that would otherwise make the question proper. The question should be directed to the corporation."

3. Section 1.246(b) of the Commission's rules sets forth the bases on which a party may object to requests for admissions: "that some or all of the requested admissions are privileged or irrelevant or that the request is otherwise improper in whole or in part."⁴ The Kintzel Brothers do not object to the admissions on the basis that they seek privileged information. Nor do the Kintzel Brothers argue that the admissions sought are irrelevant. Rather, the Kintzel Brothers attempt to justify their objections on the basis that the requested admissions are "otherwise improper." There is no merit to such objections in this instance.

4. The Kintzel Brothers do not articulate precisely how or why they believe the requested admissions are "otherwise improper." Although they refer to "piercing the corporate veil" as a basis for their *seriatim* objections, they fail entirely to explain how or why such reference justifies an objection or otherwise prevents them from admitting or denying the requested admissions. The Kintzel Brothers are named parties in this proceeding and, as such are proper subjects of requests for admission. Furthermore, the requested admissions consist of routine statements intended to expedite the course of this proceeding. For example, the Bureau seeks to have the Kintzel Brothers admit or deny whether they are officers of Business Options,

⁴ 47 C.F.R. § 1.246(b).

Inc. Clearly, the Kintzel Brothers are able to admit or deny such information. There is nothing fundamentally improper about such admissions.

5. The Kintzel Brothers' objections are indefensible and stand as barriers to the efficient disposition of this proceeding. Although the admissions may be repetitive as between the named parties in this proceeding, they are necessarily so. The Bureau seeks to bind each separate party to this proceeding by his own discrete admissions. This will provide for the clearest record possible and it will streamline the inquiries necessary at the hearing.

6. For the foregoing reasons, the Bureau respectfully requests that the Presiding Judge deny the Kintzel Brothers' objections and issue an order requiring them to admit or deny the each and every admission posed to them.

Respectfully submitted,
Kris Anne Monteith
Chief, Enforcement Bureau

A handwritten signature in black ink, appearing to read "Michele Levy Berlove". The signature is fluid and cursive, with the first name "Michele" and last name "Berlove" being more prominent than the middle name "Levy".

Michele Levy Berlove
Attorney, Investigations and Hearings Division

Federal Communications Commission
445 12th Street, S.W., Room 4-C330
Washington, D.C. 20554
(202) 418-1420

December 4, 2007

EXHIBIT 1

FILED/ACCEPTED

OCT 9 1 2007

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of the Secretary

In the Matter of)	EB Docket No. 07-197
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Kurtis J. Kintzel, Keanan Kintzel, and all)	File No. EB-06-IH-5037
Entities by which they do business before)	NAL/Acct. No. 200732080029
the Federal Communications Commission)	
)	FRN No. 0007179054
)	

To: Kurtis J. Kintzel

**ENFORCEMENT BUREAU'S REQUEST FOR ADMISSION OF FACTS
AND GENUINENESS OF DOCUMENTS TO KURTIS J. KINTZEL**

The Enforcement Bureau (the "Bureau"), pursuant to section 1.246 of the Commission's Rules, 47 C.F.R. § 1.246, hereby requests that, within 10 days of service of this request, Kurtis J. Kintzel, admit to the truth of the following facts and genuineness of the attached documents, as set forth in the following numbered paragraphs. Each response shall be labeled with the same number as the subject admission request and shall be made under oath or affirmation of the person providing the response.

Definitions

For this document, the following definitions apply:

"Avatar" means Avatar Enterprises, Inc., any affiliate, d/b/a, predecessor-in-interest, parent company, wholly or partially owned subsidiary, successor-in-interest or other affiliated company or business, including but not limited to, BOI, Buzz Telecom and US Bell, and all directors, officers, employees, shareholders or agents, including consultants and any other persons working for or on behalf of any of the foregoing during the period February 11, 2004 through the present, unless otherwise noted.

"BOI" means Business Options, Inc., any affiliate, d/b/a, predecessor-in-interest, parent company, wholly or partially owned subsidiary, successor-in-interest or other affiliated company or business, including but not limited to, Avatar, Buzz Telecom and US Bell, and all directors, officers, employees, shareholders or agents, including consultants and any other persons working for or on behalf of any of the foregoing during the period February 11, 2004 through the present, unless otherwise noted.

"Buzz" means Buzz Telecom Corporation, any affiliate, d/b/a, predecessor-in-interest, parent company, wholly or partially owned subsidiary, successor-in-interest or other affiliated company or business, including but not limited to, BOI, Avatar and US Bell, and all directors, officers, employees, shareholders or agents, including consultants and any other persons working for or on behalf of any of the foregoing during the period February 11, 2004 through the present, unless otherwise noted.

"Commission" means Federal Communications Commission.

"Companies" means BOI, Buzz, Avatar and US Bell, or any one of those entities.

"US Bell" means U.S. Bell, Inc., its successor Link Technologies, any affiliate, d/b/a, predecessor-in-interest, parent company, wholly or partially owned subsidiary, successor-in-interest or other affiliated company or business, including but not limited to, BOI, Avatar and Buzz, and all directors, officers, employees, shareholders or agents, including consultants and any other persons working for or on behalf of any of the foregoing during the period February 11, 2004 through the present, unless otherwise noted.

"You" means Kurtis J. Kintzel, individually and as an officer and director of BOI and Buzz.

Admissions

1. BOI entered into a consent decree with the Commission dated on or about February 13, 2004 (the "Consent Decree") in connection with a proceeding under EB Docket No. 03-85.
2. The Companies are signatories to the Consent Decree.
3. You are BOI's Chairman of the Board.
4. You have been Chairman of the Board of BOI during the period February 11, 2004 through the present.
5. You are BOI's president.
6. You have been BOI's president during the period February 11, 2004 through the present.
7. You hold a 72 percent equity interest in BOI.
8. You have held a majority equity interest in BOI during the period February 11, 2004 through the present.

9. Keanan Kintzel is BOI's Secretary/Treasurer.
10. Keanan Kintzel has been BOI's Secretary/Treasurer during the period February 11, 2004 through the present.
11. Keanan Kintzel is a director of BOI.
12. Keanan has been a director of BOI during the period February 11, 2004 through the present.
13. Keanan Kintzel holds a 26 percent equity interest in BOI.
14. Keanan Kintzel has held a minority equity interest in BOI from February 11, 2004 through the present.
15. You are Buzz's Chairman of the Board.
16. You have been Chairman of the Board of Buzz Telecom from February 11, 2004 through the present.
17. You have been President of Buzz during the period February 11, 2004 through the present.
18. You hold a 72 percent equity interest in Buzz.
19. You have held a majority equity interest in Buzz from February 11, 2004 through the present.
20. Keanan Kintzel is Buzz's Secretary.
21. Keanan Kintzel has been Secretary of Buzz Telecom from February 11, 2004 through the present.
22. Keanan Kintzel is a director of Buzz.
23. Keanan Kintzel holds a 26 percent equity interest in Buzz.

24. Keanan Kintzel has held a minority equity interest in Buzz from February 11, 2004 through the present.

25. You are a director of Avatar.

26. You have been a director of Avatar during the period February 11, 2004 through the present.

27. You hold a 72 percent equity interest in Avatar.

28. You have held a majority equity interest in Avatar from February 11, 2004 through the present.

29. Keanan Kintzel is a director of Avatar.

30. Keanan Kintzel has been a director of Avatar during the period February 11, 2004 through the present.

31. Keanan Kintzel holds a 26 percent equity interest in Avatar.

32. Keanan Kintzel has held a minority equity interest in Avatar from February 11, 2004 through the present.

33. You and Keanan Kintzel are brothers.

34. You are responsible for overseeing the financial management of BOI.

35. You have been responsible for overseeing the financial management of BOI during the period February 11, 2004 through the present.

36. Keanan Kintzel is responsible for overseeing the day-to-day activities of BOI.

37. Keanan Kinzel has been responsible for overseeing the day-to-day activities of BOI during the period February 11, 2004 through November 2006.

38. Keanan Kinzel has been responsible for overseeing the day-to-day activities of BOI during the period December 2006 through the present.

39. You are responsible for overseeing the financial management of Buzz.
40. You have been responsible for overseeing the financial management of Buzz during the period February 11, 2004 through the present.
41. You are responsible for overseeing the regulatory compliance of BOI.
42. You have been responsible for overseeing the regulatory compliance of BOI during the period February 11, 2004 through the present.
43. You are responsible for overseeing the regulatory compliance of Buzz.
44. You have been responsible for overseeing the regulatory compliance of Buzz during the period February 11, 2004 through the present.
45. Keanan Kintzel is responsible for overseeing the day-to-day activities of Buzz.
46. Keanan Kinzel has been responsible for overseeing the day-to-day activities of Buzz during the period February 11, 2004 through November 2006.
47. Keanan Kinzel has been responsible for overseeing the day-to-day activities of Buzz during the period December 2006 through the present.
48. You had to approve all scripts used by telemarketers to market Buzz during the period February 11, 2004 through November 2006.
49. You have had to approve all scripts used by telemarketers to market Buzz during the period December 2006 through the present.

Attachment A

50. Attachment A is a true and accurate copy of the Consent Decree.

51. The signature that appears on Attachment A on behalf of Business Options, Inc., U.S. Bell, Inc./Link Technologies, Buzz Telecom Corporation and Avatar Enterprises, Inc. belongs to You.

52. You had authority to sign the document appearing in Attachment A on behalf of BOI, US Bell, Buzz and Avatar.

53. You had authority to sign the document that appears as Attachment A on behalf of the Companies.

Attachment B

54. Attachment B is a true and accurate copy of a letter, dated December 20, 2006 from Trent B. Harkrader, Deputy Chief, Investigations & Hearings Division, Enforcement Bureau, Federal Communications Commission, to Kurtis J. Kintzel, Business Options, Inc.

55. BOI received a copy of Attachment B on or about December 20, 2006.

Attachment C

56. Attachment C is a true and accurate copy of BOI's response, dated January 17, 2007, to the LOI (Attachment B hereto), without attached documents.

57. One or more officers of BOI personally prepared the document which is appended hereto as Attachment C.

58. One or more officers of BOI personally reviewed the document which is appended hereto as Attachment C for truthfulness, completeness, and correctness before it was filed with the Commission.

Attachment D

59. Attachment D is a true and accurate copy of the declaration of Kurtis Kintzel dated February 9, 2007.

60. One or more officers of BOI personally prepared the document which is appended hereto as Attachment D.

61. One or more officers of BOI personally reviewed the document which is appended hereto as Attachment D for truthfulness, completeness, and correctness before it was filed with the Commission.

62. The signature that appears on Attachment D belongs to you.

63. At the time you signed Attachment D, you were the Chief Executive Officer of BOI.

64. At the time you signed Attachment D, you were the Chief Executive Officer of Buzz.

65. At the time you signed Attachment D, Buzz was an affiliate of BOI.

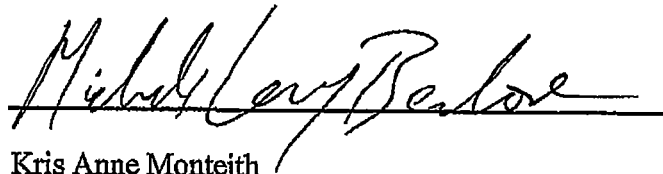
66. At the time you signed Attachment D, Buzz shared common ownership with BOI.

Attachment E

67. Attachment E is a true and accurate copy of an e-mail, dated January 30, 2007 from Brain M. Hendricks, Attorney Advisor, Investigations & Hearings Division, Enforcement Bureau, Federal Communications Commission, to You, excluding attachments.

68. You received a copy of Attachment E on or about January 30, 2007.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michele Levy Berlove", is written over a horizontal line.

Kris Anne Monteith
Chief, Enforcement Bureau

Michele Levy Berlove
Attorney, Investigations and Hearings Division

Judy Lancaster
Attorney, Investigations and Hearings Division

Federal Communications Commission
445 12th Street, S.W., Room 4-C330
Washington, D.C. 20554
(202) 418-1420
October 31, 2007

CERTIFICATE OF SERVICE

Rebecca Lockhart, a Paralegal Specialist in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has, on this 31st day of October, 2007, sent by first class United States mail copies of the foregoing **Enforcement Bureau's Request for Admission of Facts and Genuineness of Documents to Kurtis J. Kintzel** to:

Catherine Park, Esq.
2300 M Street, NW, Suite 800
Washington, D.C. 20037

Counsel for You, Keanan Kintzel, Business Options, Inc., Buzz Telecom Corporation, US Bell, Inc., Link Technologies and Avatar Enterprises

A copy of the foregoing was also served via hand-delivery to:

Administrative Law Judge Richard L. Sippel
Federal Communications Commission
445 12th Street, S.W., Room 1-C861
Washington, D.C. 20054



Rebecca Lockhart

EXHIBIT 2

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FILED/ACCEPTED

OCT 31 2007

Federal Communications Commission
Office of the Secretary

In the Matter of

**Kurtis J. Kintzel, Keanan Kintzel, and all
Entities by which they do business before
the Federal Communications Commission**

) EB Docket No. 07-197
)
) File No. EB-06-IH-5037
) NAL/Acct. No. 200732080029
)
) FRN No. 0007179054
)

To: Keanan Kintzel

**ENFORCEMENT BUREAU'S REQUEST FOR ADMISSION OF FACTS
AND GENUINENESS OF DOCUMENTS TO KEANAN KINTZEL**

The Enforcement Bureau (the "Bureau"), pursuant to section 1.246 of the Commission's Rules, 47 C.F.R. § 1.246, hereby requests that, within 10 days of service of this request, Keanan Kintzel, admit to the truth of the following facts and genuineness of the attached documents, as set forth in the following numbered paragraphs. Each response shall be labeled with the same number as the subject admission request and shall be made under oath or affirmation of the person providing the response.

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"Buzz" means Buzz Telecom Corporation, any affiliate, d/b/a, predecessor-in-interest, parent company, wholly or partially owned subsidiary, successor-in-interest or other affiliated company or business, including but not limited to, BOI, Avatar and US Bell, and all directors, officers, employees, shareholders or agents, including consultants and any other persons working for or on behalf of any of the foregoing during the period February 11, 2004 through the present, unless otherwise noted.

"Commission" means Federal Communications Commission.

"Companies" means BOI, Buzz, Avatar and US Bell, or any one of those entities.

"You" means Keanan Kintzel, individually and as an officer and director of BOI and Buzz.

Admissions

1. BOI entered into a consent decree with the Commission dated on or about February 13, 2004 (the "Consent Decree") in connection with a proceeding under EB Docket No. 03-85.

2. Buzz entered into the Consent Decree.

3. The Companies are signatories to the Consent Decree.

4. Kurtis J. Kintzel is BOI's Chairman of the Board.

5. Kurtis J. Kintzel has been Chairman of the Board of BOI from February 11, 2004 through the present.

6. Kurtis J. Kintzel is BOI's president.

7. Kurtis J. Kintzel has been BOI's president during the period February 11, 2004 through the present.

8. Kurtis J. Kintzel holds a 72 percent equity interest in BOI.

9. Kurtis J. Kintzel has held a majority equity interest in BOI from February 11, 2004 through the present.

10. You are BOI's Secretary/Treasurer.

11. You have been BOI's Secretary/Treasurer during the period February 11, 2004 through the present.

12. You are a director of BOI.

13. You have been a director of BOI during the period February 11, 2004 through the present.

14. You hold a 26 percent equity interest in BOI.
15. You have held a minority equity interest in BOI from February 11, 2004 through the present.
16. Kurtis J. Kintzel is Buzz's Chairman of the Board.
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22. Kurtis J. Kintzel has held a majority equity interest in Buzz from February 11, 2004 through the present.
23. You are Buzz's Secretary.
24. You have been Secretary of Buzz Telecom from February 11, 2004 through the present.
25. You are a director of Buzz.
26. You have been a director of Buzz during the period February 11, 2004 through the present.
27. You hold a 26 percent equity interest in Buzz.
28. You have held a minority equity interest in Buzz from February 11, 2004 through the present.

29. Kurtis J. Kintzel holds a 72 percent equity interest in Avatar.
30. Kurtis J. Kintzel has held a majority equity interest in Avatar from February 11, 2004 through the present.
31. You are a director of Avatar.
32. You have been a director of Avatar during the period February 11, 2004 through the present.
33. You hold a 26 percent equity interest in Avatar.
34. You have held a minority equity interest in Avatar from February 11, 2004 through the present.
35. You and Kurtis J. Kintzel are brothers.
36. Kurtis J. Kintzel is responsible for overseeing the financial management of BOI.
37. Kurtis J. Kintzel has been responsible for overseeing the financial management of BOI during the period February 11, 2004 through the present.
38. You are responsible for overseeing the day-to-day activities of BOI.
39. You have been responsible for overseeing the day-to-day activities of BOI during the period February 11, 2004 through November 2006.
40. You have been responsible for overseeing the day-to-day activities of BOI during the period December 2006 through the present.
41. Kurtis J. Kintzel is responsible for overseeing the financial management of Buzz.
42. Kurtis J. Kintzel has been responsible for overseeing the financial management of Buzz during the period February 11, 2004 through the present.

43. Kurtis J. Kintzel is responsible for overseeing the regulatory compliance of Buzz.

44. Kurtis J. Kintzel has been responsible for overseeing the regulatory compliance of Buzz during the period February 11, 2004 through the present.

45. Kurtis J. Kintzel is responsible for overseeing the regulatory compliance of Buzz.

46. Kurtis J. Kintzel has been responsible for overseeing the regulatory compliance of Buzz during the period February 11, 2004 through the present.

47. You are responsible for overseeing the day-to-day activities of Buzz.

48. You have been responsible for overseeing the day-to-day activities of Buzz during the period February 11, 2004 through November 2006.

49. You have been responsible for overseeing the day-to-day activities of Buzz during the period December 2006 through the present.

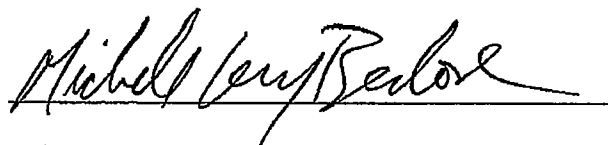
50. Kurtis J. Kintzel had to approve all scripts used by telemarketers to market Buzz during the period February 11, 2004 through November 2006.

51. Kurtis J. Kintzel has had to approve all scripts used by telemarketers to market Buzz during the period December 2006 through the present.

52. You reviewed all scripts used by telemarketers to market Buzz during the period February 11, 2004 through November 2006.

53. You have reviewed all scripts used by telemarketers to market Buzz during the period December 2006 through the present.

Respectfully submitted,

A handwritten signature in dark ink, reading "Michele Levy Berlove", written over a horizontal line.

Kris Anne Monteith
Chief, Enforcement Bureau

Michele Levy Berlove
Attorney, Investigations and Hearings Division

Judy Lancaster
Attorney, Investigations and Hearings Division

Federal Communications Commission
445 12th Street, S.W., Room 4-C330
Washington, D.C. 20554
(202) 418-1420
October 31, 2007

CERTIFICATE OF SERVICE

Rebecca Lockhart, a Paralegal Specialist in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has, on this 31st day of October, 2007, sent by first class United States mail copies of the foregoing **Enforcement Bureau's Request for Admission of Facts and Genuineness of Documents to Keanan Kintzel** to:

Catherine Park, Esq.
2300 M Street, NW, Suite 800
Washington, D.C. 20037

Counsel for Kurtis J. Kintzel, Keanan Kintzel, Business Options, Inc., Buzz Telecom Corporation, US Bell, Inc., Link Technologies and Avatar Enterprises

A copy of the foregoing was also served via hand-delivery to:

Administrative Law Judge Richard L. Sippel
Federal Communications Commission
445 12th Street, S.W., Room 1-C861
Washington, D.C. 20054



Rebecca Lockhart

EXHIBIT 3

THE LAW OFFICE OF CATHERINE PARK

2800 M STREET, NW

SUITE 800

WASHINGTON, D.C. 20037

PHONE: (202) 978-6479
FAX: (866) 747-7566

E-MAIL: CATHERINE.PARK@CPARKLAW.COM
WEBSITE: WWW.CPARKLAW.COM

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November 14, 2007

FILED/ACCEPTED

NOV 14 2007

Federal Communications Commission
Office of the Secretary

Marlene H. Dortch
Secretary
Federal Communications Commission
236 Massachusetts Avenue, NE
Suite 110
Washington, D.C. 20002

RE: Answers to Request for Admissions, Kurtis J. Kintzel; EB Docket No. 07-197

Dear Madame Secretary:

Enclosed for filing on behalf of parties Kurtis J. Kintzel, Keanan Kintzel, and all other Entities by which they do business before the Federal Communications Commission, is the original and 6 copies of the Answers to the Enforcement Bureau's Request for Admission of Facts and Genuineness of Documents to Kurtis J. Kintzel, in the above-referenced matter.

Sincerely,

Catherine Park, Esq.

Catherine Park, Esq.

Enclosures: Original + 6 Copies

No. of Copies rec'd 0+6
List ABCDE